

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD MESA,

Petitioner,

v.

B. CATES,

Respondent.

Case No. 1:21-cv-00034-HBK

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA

(Doc. No. 1)

Petitioner Richard Mesa has pending a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254, together with a request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and a request for the appointment of counsel. (Doc. Nos. 1, 2, 3). Petitioner is a prisoner incarcerated in Kern County, which is located within the jurisdiction and venue of this court's Fresno Division, but challenges his March 19, 2003 state sentence and conviction entered by the Superior Court of Los Angeles, which is located within the jurisdiction and venue of the Western Division of the United States District Court for the Central District of California.

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated. Therefore, both the Central District of

1 California and the Eastern District of California have concurrent jurisdiction. *See* 28 U.S.C. §
2 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the convenience of parties
3 and witnesses, in the interest of justice, a district court may transfer any civil action to any other
4 district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in
5 California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v.*
6 *California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at *1 (E.D. Cal. June 21, 2017)
7 (*citing Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)).

8
9 Thus, the Court finds in its discretion “and in furtherance of justice” the petition should be
10 transferred to the Central District of California. 28 U.S.C. §§ 1404(a), 2241(d).

11

12

Accordingly:

13

14

- 1 The Clerk shall transfer this action to the United States District Court for the Central
2 District of California, Western Division; and
- 3 2 All future filings shall reference the new case number assigned and shall be filed at:

16

17

18

19

United States District Court
Central District of California
Western Division
255 East Temple Street
Los Angeles, CA 90012-3332

20

21

22

- 3 Considering this case is to be transferred to the Central District of California, this
4 Court declines to rule on Petitioner’s motions to proceed *in forma pauperis* and for the
5 appointment of counsel. (Doc. Nos. 2, 3).

23

24

25

26

27

28

IT IS SO ORDERED.

Dated: January 13, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28